

REMARKS

By this Amendment, claims 13 and 14 are amended. No new matter is added. After entry of this Amendment, claims 1-59 will remain pending in the patent application. Reconsideration and allowance of the present patent application based on the foregoing amendments and following remarks are respectfully requested.

In the Office Action, claim 13 was objected to. In response, claim 13 is amended to replace the language "the resist model" with "the simulation model." Similar changes are made to claim 14. It is respectfully submitted that the amendment to claim 13 obviates the objection. Accordingly, reconsideration and withdrawal of the objection to claim 13 are respectfully requested.

Claims 1-14 were rejected under the judicially created doctrine of obviousness-type double patenting based on claims 1-13 of U.S. Patent No. 6,839,125 to Hansen. Claims 1, 13-26, 28, 29, 53 and 55-57 were rejected under the judicially created doctrine of obviousness-type double patenting based on claims 1-12, 14-15 and 22-24 of U.S. copending Patent Application Serial No. 10/716,439 to Hansen. Without taking a position with respect to the merits or substance of these rejections, Applicant submits herewith a Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c) to overcome the rejection. Accordingly, Applicant respectfully submits that this rejection is moot.

Applicant respectfully submits that, per MPEP §822.01, "[i]f the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the "provisional" double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent."

In the present case, there is no remaining rejection apart from the above double patenting rejections. Accordingly, the Examiner is respectfully requested to withdraw the double patenting rejections and permit the present application to issue as a patent.

All rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

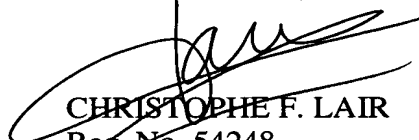
If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

HANSEN -- 10/773,397
Client/Matter: 081468-0307720

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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